

Rest Breaks

Provide rest breaks of no less than 10 consecutive minutes for each four hours (or major portion thereof) worked, occurring as near as possible to the middle of the work period.

Best Practices

Always give your employees a schedule of taking a rest break for every 4 hours worked.

You may not combine rest breaks or add them to meal breaks, even at the employee's request. Nor may they be used to allow an employee to come in 10 minutes late or leave 10 minutes early. You control rest breaks, thus, you must pay break time as time worked. You may require employees to remain on the premises during the rest break.

Calculating Rest Breaks

Provide 10-minute rest breaks as follows for the work hours involved:

Hours of Work	Rest Breaks
0 – 3.5	0
3.5 – 6.0	1
6.0 – 10.0	2
10.0 – 14.0	3
14.0 – 18.0	4

Meal Breaks

Provide a meal break of at least one half-hour for every work period of more than five hours.

Best Practices

Schedule and require that employees take the meal breaks for which they are eligible. You must provide a meal break of at least one half-hour for every work period of more than five hours. However, if six hours of work will complete the day's work, the employee may voluntarily choose not to take the meal break. The employee and department head must both sign the meal waiver form in advance of any meal break being waived.

Meal breaks may be unpaid only if:

- They are at least 30 minutes long;
- The employee is relieved of all duty; and
- The employee is free to leave the premises.

Meal breaks may be longer than a half-hour, at your discretion. Provide a second meal break of no fewer than 30 minutes for all workdays on which an employee works more than 10 hours. You must take all reasonable measures to ensure employees are actually taking meal breaks.

Second Meal Break Waiver

An employee may waive the second meal break only if:

- The total hours worked on that workday is not more than 12;
- There is mutual consent of the employer and employee; and
- The first meal break of the workday was not waived.

On-Duty Meal Breaks

Employees may take on-duty meal breaks in certain circumstances. An on-duty meal break:

- Is permitted only when the nature of the work prevents an employee from being relieved of all duty;
- Must be agreed to in writing by the employee and employer;
- Must be paid; and
- May be revoked at any time in writing by the employee (except under Wage Order 14).

Wages required if Employees are Not Free to Leave

If an employer requires employees to remain on the premises for a meal break, it denies that employee the use of the time for his/her own purposes. By remaining on the premises, the employee remains subject to the employer's control, so the meal break must be paid.

Please contact Foundation Human Resources with any questions: (310) 243-1070